IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 723 OF 2006 (M/S)

Vinod Malik son of Sri Dharampal Singh, R/o Shivlok Colony Haridwar, Tehsil and district Hardwar.
..... Petitioner.

Versus

1. Civil Judge (Senior Division), Hardwar.
2. Nathu Singh son of Unknosn.
3. Smt. Santosh wife of Nathu Singh, both resident of Aryanagar Jwalapur, tehsil and district Hardwar. ..... Respondents.

Sri Lok Pal Singh, Advocate for the petitioner.
C.S.C. for respondent No. 1.

Dated : June 15, 2006.

HON'BLE RAJESH TANDON, J.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing the order dated 31.05.2006 passed by the Civil Judge (S.D.), Hardwar.

Briefly stated, a suit was filed by the petitioner praying for permanent injunction restraining the defendant/respondent from making any interference in the property purchased by the petitioner. Alongwith the suit the plaintiff has also filed an application for interim injunction. On the said application, inspection was carried out by the Amin and it was found that the petitioner is in possession of the land in dispute. The Presiding Officer on 31.05.2006 has felt inability to pass interim order on the ground that the defendant wants some time to reply the injunction application, hence the court has fixed 6.7.2006 for filing objection.

The submission of the petitioner is that Civil Courts are closed and he is suffering irreparable injury on account of the fact that the prayer for status quo has not been granted by the Civil Judge (S.D.), Hardwar. I have perused the inspection report and from the report of the inspection it appears that the petitioner has been found in possession at the time of inspection. In view of the same, till 6.7.2006 parties are directed to maintain status quo on the spot.

However, the Presiding Officer has already fixed 6th July, 2006 he may consider the application afresh. It will be open for the Presiding Officer to decide the interim application in accordance with law.

Subject to the aforesaid, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J)

15.6.2006.
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